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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,762	12/13/2000	David N. Berglund	SAIL-004XX	6659

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BOSTON, MA 02109

EXAMINER
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PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 10/02/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/735,762

Applicant(s)

BERGLUND, DAVID N.

Examiner

Joseph L. Perrin, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Response to Arguments*

1. In view of applicant's amendment filed 04 September 2003 (Paper No. 8), the status of the application is as follows:

#### *Abstract Objection*

The objection of the Abstract is withdrawn in view of Applicant's amendment to the Abstract.

#### *35 U.S.C. §102(b) Rejections over Preston*

The rejection of claims 12-17 and 19 are maintained for reasons set forth below.

#### *35 U.S.C. §103(a) Rejections over Preston and Roberts*

The rejection of claim 18 is maintained for reasons set forth below.

Applicant's arguments filed 04 September 2003 have been fully considered but they are not persuasive.

#### *Re 35 U.S.C. §102(b) Rejection over Preston*

In response to applicant's argument that Preston fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., only

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one "thermo" tank & only one "solvent" tank) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, Applicant's arguments are not persuasive.

*Re 35 U.S.C. §103(a) Rejection over Preston and Roberts*

In response to applicant's argument that Roberts fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "using a return line from the cleaning vessel back into the cleaning vessel where it forms a heat exchange coil") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, Applicant's arguments are not persuasive.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 12-17, 19-20 & 22-23 are rejected under 35 U.S.C. 102(a) as being anticipated by US 5,904,737 to Preston *et al.* (hereinafter "Preston").

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Re claims 12-17, Preston discloses a method of operating a dry-cleaning system comprising: disposing substrates into a cleaning vessel 32 (for instance, col. 4, lines 39-40); evacuating the interior of the cleaning vessel 32 (for instance, col. 4, lines 46-47); equalizing the pressure between a first storage vessel 18/20 and the cleaning vessel 32 via a compressor and valves (for instance, col. 4, lines 50-53, Figs. 1A-1C & associated text); conveying dry-cleaning medium from a second storage vessel 20/18 to the cleaning vessel 32 via a compressor and valves (for instance, col. 4, line 62 *et seq.*, Fig. 1E & associated text); agitating the substrates in the cleaning vessel by rotating, *e.g.* in a rotatable basket (for instance, col. 2, lines 25-27 & col. 5, lines 24-25); conveying liquid dry-cleaning medium from cleaning vessel 32 to a second storage vessel 20/18 via a compressor and valves (for instance, col. 5, lines 44-48, Figs. 1F-1G & associated text); evacuating gaseous dry-cleaning medium from the cleaning vessel to the first storage vessel via compressor and valves (for instance, col. 7, lines 9-24); and raising the cleaning vessel internal pressure to atmospheric pressure by admitting air (for instance, col. 7, line 25).

Re claim 19, Preston further discloses evacuating gaseous dry-cleaning medium through the lower portion of a first storage vessel by bubbling gaseous dry-cleaning medium through liquid dry-cleaning medium, *i.e.* enabling heat transfer between gaseous and liquid dry-cleaning medium (for instance, col. 10, lines 4-6).

Re claims 20 and 23, Preston further discloses a storage tank 12 (which "contains a supply of liquid carbon dioxide") maintained at a temperature below (approx.

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-15°F) storage tank 18 from which liquid carbon dioxide is distilled (see entire reference of Preston, for instance, col. 4, lines 2-20).

Re claim 22, Preston further discloses cooling means to cool a storage tank (for instance, col. 9, lines 31-35).

Recitation of Preston reads on applicant's invention as claimed.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 18 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Preston in view of US 5,850,747 to Roberts *et al.* (hereinafter "Roberts").

Recitation of Preston is repeated here from above.

Although Preston discloses that it is known to utilize a heat exchanger to control the temperature of a washing vessel/chamber and heating a storage tank (still) with an

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electric heater (see, for instance, col. 5, line 51 *et seq.* & col. 2, lines 43-44, respectively), Preston does not expressly disclose utilizing a heat exchanger disposed within the washing vessel/chamber or a trim heater (electric or steam heating coil).

Roberts teaches that it is conventional to utilize a heat exchanger inside a dry-cleaning washing vessel/chamber, using electrical heat exchangers "to prevent the interior temperature from descending below a prohibitively low level" during a "vapor recovery cycle", and using such heaters in storage tanks 14 & 30 (see entire reference of Roberts, for instance, col. 1, lines 40-46 & Figure 1).

Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to modify the dry-cleaning method, disclosed by Preston, with a washing vessel heat exchanger and a storage tank heater coil, disclosed by Roberts, for the purpose of preventing freezing of the vessel which may cause damage to the treated substrates therein and controlling temperature of a temperature varying liquid carbon dioxide dry cleaning system.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

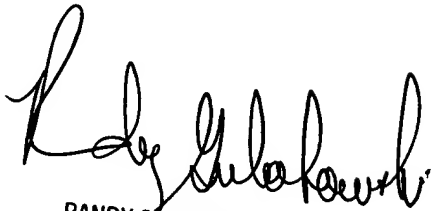
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (703)305-0626. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (703)308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Joseph L. Perrin, Ph.D.  
Examiner  
Art Unit 1746

jlp

  
RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
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